

REMARKS

I. Initial Remarks

As a preliminary matter, Applicants thank the Examiner for extending the courtesy of an interview after final on February 1, 2010 to discuss the newly raised Section 112 rejections of claims 1-20 and 25-32. There were no rejections directed to the references of record. Applicants are providing amendments based on suggestions provided by the Examiner in the interview, in light of the Examiner's concerns as stated in the Office Action. Because Applicants have made these amendments in response to the Examiner's suggestions, fully supported by Applicants' Specification and drawings as originally filed and there are no rejections based on the cited references, Applicants submit that this amendment should be entered under rule 116 and that all claims are in condition for allowance.

Claims 1, 5-6, 10-12, 15-17, 20, 25, 27, 29 and 31 are amended. No claims are added or cancelled in this paper. Thus, claims 1-20 and 25-32 are pending, with claims 1, 6, 11 and 16 written in independent form. Support for the amendments may be found in the specification at least in, but not limited to, paragraphs 38-39, 43-44, and 46-48.

In the Office Action, claims 1-20 and 25-32 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action presents new grounds of rejection, and Applicants respectfully traverse the rejections.

In view of the following arguments, all claims are believed to be in condition for allowance over the references of record. Therefore, this response is believed to be a complete response to the Office Action.¹ Further, for any instances in which the Examiner took Official Notice in the Office

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

II. Claim Rejections – 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1-20 and 25-32 under Section 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner stated that:

Applicant's most recent set of remarks and amendments are directed towards distinguishing his invention from that of Aziz because Aziz fails to teach or suggest "the previously translated address being extracted from the packet header information, restored into an address from which the previously translated address was translated, and placed back into the packet header information of the data packet." Applicant draws attention to Aziz' use of an appended IP header stating that Aziz fails to teach the abovementioned limitations because he decrypts the entire packet as one without regard to any "predetermined portions of packet header information of a data packet" and because the information eventually returned to the header is not in the header at present, but rather in the body of the packet. While the Examiner neither agrees nor disagrees entirely with Applicant's characterization of the prior art reference, she will admit that Aziz does in fact use an appended header in order to account for the fact that the original header has been encrypted, and as such, a network would be ill fitted to properly deal with such a cryptic packet. In Applicant's attempts to distinguish over the reference, he has raised serious doubt as to *how his invention is capable of transmitting packets in which the address information in the IP header is encrypted and yet the necessary network elements are able to ascertain their values as if they were not*. Insofar as she is unable to comprehend *how it is that a router, bridge, or other network element could potentially transmit a packet where the destination and source addresses were encrypted*, she is incapable of determining the scope of Applicant's invention for purposes of a prior art search.

(Office Action, pages 2-3; Italics Added.)

While independent claim 1 did previously recite a "previously translated address," Applicants respectfully note that claim 1 did not recite the language "where the destination and source addresses were encrypted" or "the necessary network elements are able to ascertain their values as if they were not" italicized above. Nevertheless, the Examiner says that this language

raises “serious doubt” in her mind. Further, merely because an address may be “translated” does not necessarily indicate that the address is no longer routable. As an example, network address translation may be used to allow datagrams to be transmitted from one address space to another. Therefore, although Applicants do not see the need for clarification, to advance the prosecution Applicants have amended independent claim 1 to address the Examiner’s concerns, namely: “how it is that a router, bridge, or other network element could potentially transmit a packet where the destination and source addresses were encrypted,” and “how his invention is capable of transmitting packets in which the address information in the IP header is encrypted and yet the necessary network elements are able to ascertain their values as if they were not,” italicized above.

As amended, independent claim 1 now recites in part “a translator configured to restore predetermined portions of packet header information of a data packet, the packet header information including a network portion of a destination address routable over a wide area network and an encrypted host portion of the address identifying a destination host.” Applicants submit that these amendments further clarify that “the packet header information [includes] a network portion . . . and an encrypted host portion,” and also that the “packet header information of a data packet including a network portion of a destination address” is “routable over a wide area network,” all as recited in claim 1.

Moreover, as discussed in the interview, Applicants are further clarifying the recited “restoration” as performed by the “translator” recited in claim 1. As amended, independent claim 1 now recites a translator configured as follows:

a translator configured to restore predetermined portions of packet header information of a data packet . . . , the restoration including to:
extract, from the packet header information, predetermined portions of packet header data including the encrypted host portion of the address,
decrypt, according to a cipher algorithm keyed by the cipher key, the extracted packet header data to determine a restored address, and
place the restored address back into the packet header information of the data packet.

Accordingly, Applicants submit that the aforementioned recitation of the translator more clearly describes the configuration of the translator with respect to restoration of the “restored address.”

Also, as a further clarification, the mapping device, host resolution device, and actuator as recited in claim 1 have been further clarified with respect to the “restored address” as follows:

- a mapping device configured to map the restored address to the host table;
- a host resolution device configured to issue a request to the network to resolve the restored address when the restored address does not match an entry in the host table and to supplement the host table with the restored address upon receipt of a reply to the request that indicates that the restored address is valid; and
- an actuator configured to trigger a security device when the restored address does not match an entry in the host table.

(Emphasis added.)

While of different scope, each of independent claims 6, 11, and 16 have also been similarly amended to address the Examiner’s Section 112 second paragraph rejections. Additionally, dependent claims 5, 10, 12, 15, 17, 20, 25, 27, 29 and 31 are amended to be in conformance with the recitations of the amended independent claims.

For at least the aforementioned reasons, the Examiner’s Section 112, second paragraph, rejections of claims 1-20 and 25-32 are fully addressed. Accordingly, Applicants respectfully request for the Examiner to reconsider and withdraw the Section 112 rejections. Further, because no other rejections are presently raised against any claims, the pending claims are now in condition for allowance.

CONCLUSION

In view of the above amendment, the pending application is in condition for allowance. Reconsideration and allowance are respectfully requested.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account No. 18-0013, under Order No. 65632-0534. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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